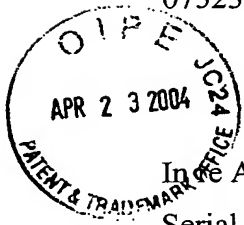


APR 26 2004

ATTORNEY DOCKET NO.  
075234.0113

PATENT APPLICATION  
10/616,779



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lawrence A. Krause, et al.  
Serial No.: 10/616,779  
Filed: July 10, 2003  
Group No.: 3713  
Examiner: Unknown  
Title: **Simulcast Pari-Mutuel Gaming Machine with Casino  
and Lottery Styled Wagers for Continuous Play**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that the following are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 23rd day of April, 2004 addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

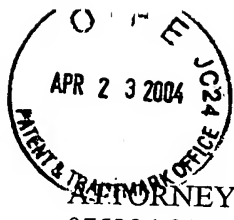
- Revocation of Attorney and Appointment of New Attorneys for Non-Provisional Application, with Certificate under 37 C.F.R. 3.73(b) three (3) pages.
- Copy of Assignment "A" Cover Sheet two (2) pages, Copy of Assignment "A" six (6) pages, and Copy of Baker Botts' Check No. 120618 in the amount of \$120.00
- Copy of Assignment "B" Cover Sheet one (1) page, Copy of Assignment "B" one (1) page, and Copy of Baker Botts' Check No. 120624 in the amount of \$120.00
- Baker Botts L.L.P. Return Postcard (1)

  
Levado Hamilton

Express Mail Receipt

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DAL01:793228.1



ATTORNEY DOCKET NUMBER  
075234.0113

PATENT APPLICATION  
10/616,779

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lawrence A. Krause, et al.

Serial No.: 10/616,779

Filing Date: July 10, 2003

Examiner: Unknown

Art Unit: 3713

Title: **SIMULCAST PARI-MUTUEL GAMING MACHINE WITH  
CASINO AND LOTTERY STYLED WAGERS FOR  
CONTINUOUS PLAY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

REVOCATION OF ATTORNEY AND APPOINTMENT  
OF NEW ATTORNEYS FOR NON-PROVISIONAL APPLICATION, WITH  
CERTIFICATE UNDER 37 C.F.R. 3.73(b)

Cantor Index LLC, a Delaware Limited Liability Company, certifies that it is the assignee in the patent application identified above by virtue of a chain of title from the inventors, of the patent application identified above, to the current assignee as shown on the attached Assignments.

ATTORNEY DOCKET NUMBER  
075234.0113

PATENT APPLICATION  
10/616,779

2

I hereby revoke all prior powers of attorney in the subject application and appoint the following as principal attorneys with full power to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

I hereby appoint:

Practitioners at Customer Number

**05073**

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Please Direct Calls To:

Jay B. Johnson, Esq.

at 214.953.6431

I, Robert Bahrampour, Vice President and Assistant General Counsel of Cantor Index LLC, a Delaware Corporation, am empowered to sign this certificate on behalf of the assignee.

ATTORNEY DOCKET NUMBER  
075234.0113

PATENT APPLICATION  
10/616,779


3

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Cantor Index LLC

April 21, 2004  
Date

By:



Robert Bahrapour

Vice President and  
Assistant General Counsel  
of Cantor Index LLC

FORM PTO-1595  
1-31-92

APR 23 2004

RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name and Address of Conveying Party(ies):

Lawrence A. Krause  
15440 N. 71<sup>st</sup> Street, # 266  
Scottsdale, Arizona 85254

Citizenship: United States of America

Additional name(s) of conveying party(ies) attached?

☒ Yes ☐ No

## 3. Nature of conveyance:

☒ X

Assignment

☐ Merger☐ Security Agreement☐ Change of Name☐ Other

## 2. Name and Address of receiving Party(ies):

Name: DPS, Inc.

Street Address: 11739 N. 114th Way

City: Scottsdale

State: AZ

Zip: 85259-2607

Country:

United States of America

State of Incorporation: Wisconsin

Effective Date/Execution Date: August 12, 2003

Additional name(s) & address(es)  
attached?☐ Yes☒ X☐ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 10/616,779

B. Patent No.(s) 6,309,307 and 6,331,148

Additional Numbers attached?

☐ Yes☒ X☐ N5. Name and address of party to whom correspondence concerning  
document should be mailed:

Name: Jay B. Johnson

Internal Address: Baker Botts L.L.P.

Street Address: 2001 Ross Avenue, Suite 600

City: Dallas

State: Texas

Zip: 75201-2980

## 6. Total number of applications and patents involved: One

## 7. Total Fee (37 CFR 3.41): \$120.00

☒ X

Enclosed

☐ Authorized to be charged to deposit account

## 8. Deposit account number:

02-0384

(Attach Duplicate Copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Samir A. Bhavsar Reg. No. 41,617

Name of Person Signing

Signature

Date

4/21/04

Total number of pages including cover sheet

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OMB No. 0651-0011 (exp.4/94)

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PO Box 1450, Alexandria, VA 22313-1450

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U.S. Patent and Trademark Office

**Section 1 – Name of Conveying Parties**

Additional Names (Individual)

Kenneth A. Scott  
11739 N. 114th Way  
Scottsdale, Arizona 85259-2607

Citizenship: United States of America

## **ASSIGNMENT OF PENDING PATENT APPLICATION**

Whereas, We, Kenneth A. Scott and Lawrence A. Krause of Scottsdale, AZ hereinafter referred to as "Applicants," have invented certain new and useful improvements on gaming machines for pari-mutuel racing, as below entitled, for which an application for a United States Patent was filed on July 10, 2003, hereinafter referred to as the "Patent Application," and,

Whereas DPS, Inc., a WI corporation, hereinafter referred to as "Assignee" whose mailing address is 10669 East Acoma Drive, Scottsdale, AZ 85255 is desirous of acquiring the entire right, title, and interest in and to the invention and in and to the Patent Application and any Patent that may issue thereon;

Now, therefore, in consideration of the sum of two dollars (\$ 2.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the Applicants, by these presents do sell, assign and transfer unto said Assignee the entire right, title and interest in and to said invention and in and to the Patent Application and all Patents which may be granted therefore, and all divisions, reissues, continuations, continuations-in-part and extensions thereof. We hereby authorize and request the Director of the U.S. Patent and Trademark Office to issue all United States Patents resulting therefrom to said Assignee; the same to be held and enjoyed by the Assignee for its own use and behoof, and for its legal representatives and assigns, to the full end of the term for which said Patents may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

We also assign to Assignee, all right, title and interest to the invention disclosed in the Patent Application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

We will communicate to Assignee any facts known to us respecting any improvements; and, at the expense of Assignee, we will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns, and legal representatives.

Title of Invention: SIMULCAST PARI-MUTUEL GAMING MACHINE WITH CASINO AND LOTTERY STYLED WAGERS FOR CONTINUOUS PLAY

Executed this 12<sup>th</sup> day of August, 2003 at SCOTTSDALE, AZ

Lawrence A. Krause  
Lawrence A. Krause

Kenneth A. Scott  
Kenneth A. Scott

State of Arizona

County of Maricopa

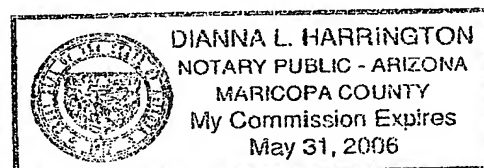
SS:

Before me personally appeared said Lawrence A. Krause and Kenneth A. Scott

And acknowledge the foregoing instrument to be their free act and deed this 12 day of August, 20 03.

Dianna S. Harrington  
(Notary Public)

Seal





## **ASSIGNMENT OF PATENTS**

Whereas, We, Lawrence A. Krause and Kenneth A. Scott of Scottsdale, AZ hereinafter referred to as "Patentees," did obtain two (2) United States patents for an improvement of games for pari-mutuel racing Nos. 6,309,307 dated 10/30/01 and 6,331,148, dated 12/18/01, hereinafter referred to as "Patents"; and whereas we are the sole owners of these Patents, and,

Whereas DPS, Inc., a WI corporation, hereinafter referred to as "Assignee" whose mailing address is 10669 East Acoma Drive, Scottsdale, AZ 85255 is desirous of acquiring the entire right, title and interest in the Patents;

Now, therefore, in consideration of the sum of four dollars (\$ 4.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the Patentees, by these presents do sell, assign and transfer unto said Assignee the entire right, title and interest in and to the said Patents aforesaid, including the rights of exclusivity, transferability, and the right to sue; the same to be held and enjoyed by the said Assignee for its own use and behoof, and for its legal representatives and assigns, to the full end of the term for which said Patents are granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made. Patentees hereby assign to Assignee, as of the effective date of this Assignment of Patents and without any further consideration, any and all of Patentees' rights to royalties derived from the Patents, and all rights to sue and recover damages by reason of past infringement of the Patents.

This Assignment of Patents replaces any previous agreements regarding licensing or assigning said Patents between the Patentees and the Assignee. Patentees and Assignee specifically agree that the Licensing Agreements dated September 1, 1999 and the exclusive licenses granted therein, attached hereto as Exhibit A, are terminated as of the effective date of this Assignment of Patents.

Executed this 12<sup>th</sup> day of August, 2003 at SCOTTSDALE, AZ.

APPLICANTS:

Lawrence A. Krause  
Lawrence A. Krause

Kenneth A. Scott  
Kenneth A. Scott

DPS, INC.:

Lawrence A. Krause  
BY: Lawrence A. Krause

Kenneth A. Scott  
BY: Kenneth A. Scott

State of Arizona

County of Maricopa

SS:

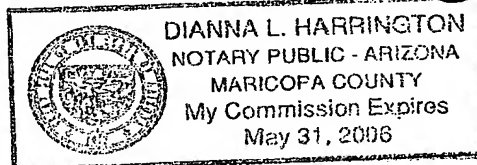
Before me personally appeared said Lawrence A. Krause and Kenneth A. Scott

And acknowledge the foregoing instrument to be their free act and deed this 12 day  
of August, 2003.

Dianna S. Harrington

(Notary Public)

Seal



## LICENSING AGREEMENT

Kenneth Scott is the co-inventor, co-originator, and named co-owner of the following patent pending and/or copyrighted concepts, words, and/or properties:

1. Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations  
Patent pending  
Serial # 09/267,865  
Filed 3/12/99
2. Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations  
CIP  
Serial # 09/378,327  
Filed 8/20/99
3. "PowerDog"  
Copyright Originated 5/95
4. "P.A.W.S. Performance Added Wagering System"  
Copyright Originated 1/99
5. "K9 Casino"  
Copyright Originated 7/99

DPS, Inc. shall be granted exclusive license to the aforementioned properties only as they pertain to the company's efforts to license the properties to parimutuel venues.

Mr. Scott and his co-inventor shall allow DPS, Inc. exclusive license at the cost of one dollar (\$1.00) per year for the aforementioned properties for five (5) years until September 1, 2004 with two (2) year renewable terms thereafter.

Kc Scott  
Kenneth Scott

9/1/99  
Date

Lawrence Krause  
Lawrence Krause - DPS, Inc.

9/1/99  
Date

## LICENSING AGREEMENT

Lawrence Krause is the co-inventor, co-originator, and named co-owner of the following patent pending and/or copyrighted concepts, words, and/or properties:

1. Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations  
Patent pending  
Serial # 09/267,865  
Filed 3/12/99
2. Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations  
CIP  
Serial # 09/378,327  
Filed 8/20/99
3. "PowerDog"  
Copyright Originated 5/95
4. "P.A.W.S. Performance Added Wagering System"  
Copyright Originated 1/99
5. "K9 Casino"  
Copyright Originated 7/99

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Mr. Krause and his co-inventor shall allow DPS, Inc. exclusive license at the cost of one dollar (\$1.00) per year for the aforementioned properties for five (5) years until September 1, 2004 with two (2) year renewable terms thereafter.

  
\_\_\_\_\_  
Lawrence Krause

9/1/99  
\_\_\_\_\_  
Date

Kenneth G. Scott  
\_\_\_\_\_  
Kenneth Scott - DPS, Inc.

Sept. 1, '99  
\_\_\_\_\_  
Date

**BAKER BOTTS L.L.P.**  
 ATTORNEYS AT LAW  
 800 Trammell Crow Center  
 2001 Ross Avenue  
 Dallas, Texas 75201

INQUIRIES: (214) 953-6500  
 TAXPAYER I.D. #74-1195457

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Check No. 120618		Check Date 04/20/2004		Vendor No. 11135	
Vendor Name COMMISSIONER OF PATENTS AND				Total Amount 120.00	

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 Dallas, Texas

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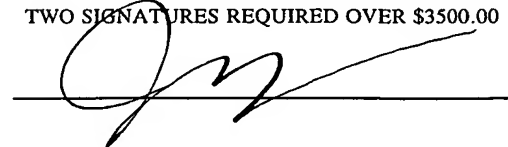
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TO THE ORDER OF COMMISSIONER OF PATENTS AND  
 TRADEMARKS

Appl. No. 10/616,779, Patent 6,309,307, and Patent 6,331,148



⑈ 120618 ⑈ ⑆ 13000023 ⑆ ⑈ 004140002895 ⑈

FORM PTO-1595  
1-31-92

APR 23 2004

RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name and Address of Conveying Party(ies):

DPS, Inc.  
11739 N. 114<sup>th</sup> Way  
Scottsdale, Arizona 85259-2607

Country: United States of America

## Additional name(s) of conveying party(ies) attached?

Yes ☐ No ☒

## 3. Nature of conveyance:

☒

Assignment

☐ Merger☐ Security Agreement☐ Change of Name☐ Other

## 2. Name and Address of receiving Party(ies):

Name: Cantor Index LLC

Street Address: 135 East 57<sup>th</sup> Street

City: New York

State: NY Zip: 10022

Country: United States of America

State of Organization: Delaware

Effective Date/Execution Date: October 21, 2003

Additional name(s) & address(es)  
attached?Yes ☐No ☒

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 10/616,779

B. Patent No.(s) 6,309,307 and 6,331,148

Additional Numbers attached?

Yes ☐No ☒

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jay B. Johnson

Internal Address: Baker Botts L.L.P.

Street Address: 2001 Ross Avenue, Suite 600

City: Dallas

State: Texas Zip: 75201-2980

## 6. Total number of applications and patents involved: One

## 7. Total Fee (37 CFR 3.41): \$120.00

☒

Enclosed

☐ Authorized to be charged to deposit account

## 8. Deposit account number:

02-0384

(Attach Duplicate Copy of this page if paying by deposit account)

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Samir A. Bhavsar Reg. No. 41,617

Name of Person Signing

Signature

Date

Total number of pages including cover sheet

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OMB No. 0651-0011 (exp.4/94)

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PO Box 1450, Alexandria, VA 22313-1450

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503.

U.S. Patent and Trademark Office

**EXHIBIT A****CONFIRMATORY PATENT ASSIGNMENT**

WHEREAS, DPS, Inc., a corporation organized and existing under the laws of the state of Wisconsin, having a place of business at 11739 N. 114<sup>th</sup> Way, Scottsdale, Arizona 85259-2607 (hereafter called "DPS"), is the assignee of all right, title and interest in and to United States Patent No. 6,309,307 directed to "Casino/Lottery/Sports Styled Wagers And Games For Pari-mutuel Racing Operations,"; United States Patent No. 6,331,148 directed to "Casino/Lottery/Sports Styled Wagers And Games For Pari-mutuel Operation"; and United States Patent Application No. 10/616,779 directed to "Simulcast Pari-mutuel Gaming Machine With Casino And Lottery Styled Wagers For Continuous Play" (the "Assigned Patents"), by virtue of assignments dated August 12, 2003 from the inventors, Kenneth Scott and Lawrence Krause to DPS (submitted concurrently herewith for recording, with copy attached hereto);

WHEREAS, Cantor Index LLC, a limited liability company organized and existing under the laws of the state of Delaware, having a place of business at 135 East 57<sup>th</sup> Street, New York, New York, 10022 (hereinafter called "Cantor") is desirous of acquiring all right, title and interest in and to the Assigned Patents;

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration the receipt of which is hereby acknowledged, it is hereby agreed as follows:

DPS hereby confirms that, pursuant to a certain Agreement entered into between DPS and Cantor, it has assigned and transferred to Cantor the entire right, title and interest in and to the Assigned Patents, together with rights to sue and to recover for past and future infringements of the Assigned Patents, the same to be held and enjoyed by Cantor, and each of its successors and assigns.

IN WITNESS WHEREOF, DPS has caused this Assignment to be duly executed as of the date of execution of this Confirmatory Patent Assignment.

DPS, Inc.

By:

Kenneth A. Scott

Date:

October 21, 2003

Attest:

Lawrence A. Krause

**BAKER BOTTS L.L.P.**  
 ATTORNEYS AT LAW  
 800 Trammell Crow Center  
 2001 Ross Avenue  
 Dallas, Texas 75201

INQUIRIES: (214) 953-6500  
 TAXPAYER I.D. #74-1195457

Invoice No.	Date	Voucher	Gross Amount	Discount	Net Amount
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Check No. 120624		Check Date 04/20/2004		Vendor No. 11135	
Vendor Name COMMISSIONER OF PATENTS AND				Total Amount 120.00	

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PAY ONE HUNDRED TWENTY AND 00/100 Dollars

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 TWO SIGNATURES REQUIRED OVER \$3500.00

TO THE ORDER OF COMMISSIONER OF PATENTS AND  
 TRADEMARKS

Appln. No. 10/616,779, Patent 6,309,307, and Patent 6,331,148

⑈ 120624 ⑈ ⑆ 113000023 ⑆ ⑈ 004140002895 ⑈